IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.15502 of 2008
SHIVNATH SAH @ VISHWANATH SAH
Versus
STATE OF BIHAR
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3 6/8/2008 Heard Mr. Sanjeev Kr. Singh, learned counsel for the petitioner, Md. Musawir, learned counsel for the Complainant and Mr. Jawahar Choubey, learned A.P.P. for the State.

Petitioner is facing allegation under Sections 420, 323, 452 and 384 of the Indian Penal Code.

Learned counsel for the petitioner submits that the present case is counter blast of P.S. Case No. 10 of 2003 under Sections 419, 420, 467 and 468/34 of the Indian Penal Code filed against the Complainant by the co-accused Wakil Sah wherein petitioner is the witness. He further submits that even if the statement made in complaint petitions are considered true, then the complainant after purchasing land on 29.8.1979, came in possession of the same and order of mutation has been passed in his favour as per the statement made in paragraphs 1 and 2 of the complaint petition itself. Further submission is that the case is of civil nature.

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Learned counsel for the State submits that there is allegation against the petitioner which is mentioned in paragraphs 5 and 7 of the complaint petition.

Learned counsel for the Complainant submits that the petitioner has sold the 5 ½ decimal land in favour of the complainant in the year 1979 and he has again sold 1 ½

decimal of land in favour of accused no. 2 in the year 2002 who has lodged a case bearing P.S. Case No. 10 of 2003 against the complainant under Sections 419, 420, 467 and 468/34 of the Indian Penal Code. In aforesaid case complainant is on bail.

In the facts and circumstances of the case and in view of submission made on behalf of the parties, I direct that the petitioner Shivnath Sah @ Vishwanath Sah to be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Judicial Magistrate, 1st Class, Katihar, in connection with Complaint Case No. 04 of 2005.

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S.Ali **(Dr. Ravi Ranjan, J.)**